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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,113	12/05/2001	Sandra Lynn Carrico	2001-0450	9439

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EXAMINER

CERVETTI, DAVID GARCIA

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<p>Application No.</p> <p>10/005,113</p>	<p>Applicant(s)</p> <p>CARRICO ET AL.</p>	
	<p>Examiner</p> <p>David G. Cervetti</p>	<p>Art Unit</p> <p>2136</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Applicant's arguments filed November 29, 2005, have been fully considered.
2. Claims 1-11 are pending and have been examined.

#### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 29, 2005 has been entered and made of record.

#### ***Specification***

4. The abstract of the disclosure is objected to because it is not clearly defined as "Abstract". Please submit the abstract on a separate sheet under the heading "Abstract" or "Abstract of the Disclosure" as required by 37 CFR 1.72(b).

37 CFR 1.72(b) states:

*"A brief abstract of the technical disclosure in the specification must commence on a separate sheet, preferably following the claims, under the heading "Abstract" or "Abstract of the Disclosure." The sheet or sheets presenting the abstract may not include other parts of the application or other material. The abstract in an application filed under 35 U.S.C. 111 may not exceed 150 words in length. The purpose of the abstract is to enable the United States Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure."*

Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones et al. (US Patent 5,623,637, hereinafter Jones).**

**Regarding claims 1 and 10, Jones teaches**

- (accessing) an immutable memory element that contains first information including application software that initiates and provides security services (column 6, lines 1-67, column 7, lines 1-67);
- (accessing) a persistent memory element that contains second information to enable the security mechanism to configure the network peripheral device to access different networks (column 4, lines 1-67, column 5, lines 1-67);
- (accessing) a volatile memory element that contains third information, including the critical data for authentication, said third information erased from the volatile memory at the completion of each connection session (column 8, lines 1-67, column 9, lines 1-67); and
- a tamper-evident enclosure for enclosing the memory elements (column 2, lines 1-67, column 3, lines 1-67).

**Regarding claims 2 and 11**, Jones teaches wherein the security services include authentication of the security mechanism itself and authentication of the user to the network upon receipt of identification information from the security mechanism and the user, respectively (column 7, lines 1-67, column 8, lines 1-67, column 9, lines 1-67).

**Regarding claim 3**, Jones teaches wherein the immutable memory contains a private key for encrypting the user and security mechanism identification information (column 8, lines 1-67, column 9, lines 1-67).

**Regarding claim 4**, Jones teaches wherein the immutable memory comprises a Read-only Memory (ROM) (column 5, lines 1-67, column 6, lines 1-67).

**Regarding claim 6**, Jones teaches wherein the persistent memory comprises at least one of one of a Complementary Metal Oxide Semiconductor Random Access Memory (CMOSRAM) and a Programmable Read Only Memory (PROM) (column 5, lines 1-67, column 6, lines 1-67).

**Regarding claim 7**, Jones teaches wherein the volatile memory comprises a random access memory (column 5, lines 1-67, column 6, lines 1-67).

**Regarding claim 8**, Jones teaches wherein the tamper evident enclosure readily exhibits any attempt to gain access there through to the memory elements enclosed therein (column 2, lines 1-67, column 3, lines 1-67, column 5, lines 1-67, column 6, lines 1-67).

**Regarding claim 9**, Jones teaches wherein the physical security of the security mechanism depends on the degree of tamper resistance of the enclosure (column 2, lines 1-67, column 3, lines 1-67).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones.**

**Regarding claim 5**, Jones teaches using read only memory with his device, not specifically a write-once ROM. However, Examiner takes Official Notice that using write-one read only memory was conventional and well known at the time the invention was made. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace or use a combination of ROM and write-once ROM with the system of Jones since Examiner takes Official Notice that it was conventional and well known.

**Conclusion**


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Caputo et al (US Patent 5,778,071) and Dan (US Patent 6,371,376) teach devices to encrypt communications between computers.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571) 272-5861. The examiner can normally be reached on Monday-Friday 7:00 am - 5:00 pm, off on Wednesday.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DGC

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
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